

Remarks

In view of the following amendments and remarks, favorable reconsideration of the outstanding office action is respectfully requested. Claims 1 – 66 remain in this application. Claims 1, 55, 56, and 61 have been amended. Claims 40 – 54 have been withdrawn from consideration, without prejudice.

1. Interview

The applicants' representative wishes to express his appreciation for the courtesy extended by the Examiner during the telephonic interview conducted April 5, 2005. During the interview the applicants' representative presented his position regarding the Election of Species Requirements made by the Examiner during the prosecution of this application. The applicants' representative provides a summary of this position in paragraph 2 below.

2. Election/Restriction

a.) The applicants respectfully point out to the Examiner that the Election of Species Requirement is improper. There is simply not a genus-species relationship in the claim set. The present invention is a classic example of a combination of elements. In this case, the combination is a wiring system that includes a wiring device and a plug connector. Claims 1 – 39 and 55 – 66 are directed to the combination. Claims 40 – 42 and 53 – 54 are directed to the plug connector. Claims 43 – 52 are directed to the wiring device. Accordingly, the Applicants request that the Examiner withdraw the Election of Species Requirement and Examine claims 1 – 66.

b.) During the interview, applicants' representative pointed out that it was improper for the Examiner to unilaterally withdraw claims 4 – 9, 21 – 32, 34 – 36, and 39 on the basis of an additional Election of Species requirement. The applicants' representative also pointed out to the Examiner that the logic behind an Election of Species Requirement and/or a Restriction Requirement was to prevent an applicant from claiming multiple inventions. On the other hand, the practice of filing dependent claims to recite and claim alternate embodiments of a single invention is well established. Accordingly, the Examiner's assertion that the dependent claims were directed to a "non-elected" invention is a misapplication of

the Election of Species/Restriction Doctrine because these claims merely recite the various features of a single well-defined invention – a wiring system that includes a wiring device and a plug connector that mates with the device. Accordingly, the Applicants request that the Examiner withdraw the latest Election of Species Requirement.

c.) As noted above, claims 1 – 39 and 55 – 66 are directed to the combination. Claims 40 – 42 and 53 – 54 are directed to the plug connector, and claims 43 – 52 are directed to the wiring device. Because the applicants elected the combination, applicants assume that claims 40 – 54 are withdrawn from prosecution.

3. Claim Objections

The Examiner has objected to claims 56 – 57 because claim 56 includes the recitation of “said predefined area.” The Examiner asserts that this term lacks antecedent basis. In response, the applicants have amended claim 56. The term “said predefined area” has been changed to “said predetermined area” to provide antecedent basis.

4. § 102 Rejections

A. Hyde

The Examiner has rejected claims 1 – 3, 10, 12, 13, 33, 37, 38, 53, and 55 – 58 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,376,770 to Hyde.

Claim 1 is directed to an electrical wiring system that includes a plug connector device configured to terminate a plurality of wires. The plurality of wires are configured to transmit electrical power provided by an electrical power distribution system. An electrical wiring device is configured to provide electrical power to a load. The electrical wiring device includes a receptacle disposed therein. The receptacle is configured to receive the plug device, whereby electrical continuity is established between the electrical wiring device and the plurality of wires when the plug device is inserted into the receptacle. Claim 1 was amended to eliminate unnecessary verbiage in the preamble of the claim.

Claim 33 is directed to a method for installing electrical wiring. The method includes installing a plurality of wires from a first location to an electrical device location, at least a portion of the plurality of wires being configured to transmit electrical power; terminating the plurality of wires with a plug connector; providing an electrical wiring device configured to

provide electrical power to a load, the electrical wiring device including a receptacle disposed therein, the receptacle being configured to receive the plug device; and inserting the plug connector into the receptacle, whereby electrical continuity is established between the electrical wiring device and the plurality of wires.

Claims 53 – 54 are voluntarily withdrawn from prosecution in accordance with the spirit of the Examiner's initial Election of Species Requirement which required the applicants to elect either the combination of the various subcombinations.

Claim 55 is directed to a method for installing an electrical wiring device. The method includes the steps of providing a connector device that is adapted to be operably received by the electrical wiring device and that includes a first plurality of electrical contacts disposed therein. The connector device is terminated to a plurality of wires. The plurality of wires are in electrical communication with said first plurality of electrical contacts. The electrical wiring device is provided with a predetermined area in which a second plurality of electrical contacts are disposed. The electrical wiring device includes at least one element configured to provide electrical power to a load. The connector device is placed into electrical communication with the electrical wiring device, wherein said first plurality of electrical contacts are in contacting relation with corresponding ones of said second plurality of electrical contacts. Claim 55 was amended to further define the method as being directed to an electrical wiring device that is configured to provide electrical power to a load.

Hyde is directed to a quick connecting universal electrical box system for mounting of electrical sockets, switches or any electronic or communication component that is typically installed into a wall. The system has a mounting frame and an electrical box, which can be pre-wired with any socket unit or component. The mounting frame is first inserted into a wall, followed by insertion of the electrical box into the mounting frame. The action of inserting the electrical box into the mounting frame forces flaps in the mounting frame to engage and lock the mounting frame into the wall. Retaining studs formed on flexible side panels of the electrical box then engage with corresponding openings in the mounting frame to secure the electrical box within the mounting frame. Secure installation of this electrical box is simple and quick without the need for any tools or fastening screws.

According to **MPEP 2131**, "to anticipate a claim, the reference must teach every element of the claim." A claim is anticipated only if each and every element as set forth in

the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

The Examiner asserts that in col. 9, lines 31 – 33 Hyde anticipates the subject matter of claim 1. The cited text reads:

“Plug units 310 and 320 supply or transfer power or signals to and from the receptacle base 100.”

The cited text is taken from the description of Figures 27 – 31. Figure 27 shows electrical wires being terminated by plugs 310 and 320. One plug includes male contacts whereas the other plug includes female contacts. Plugs 310 and 320 mate with receptacles disposed in receptacle base 100. The receptacle base 100 is subsequently covered by cover 4. Turning to Figures 28 - 30, receptacle base 100 is clearly disposed in a rear portion of wiring box 10. Figure 30 shows a wiring device 1 coupled to a front portion of wiring box 10. Wiring device 1 is a standard wiring device that is electrically connected to receptacle base 100. Accordingly, the Examiner does not provide a prima facie case of anticipation.

In particular, claim 1 is directed to “*An electrical wiring system comprising...an electrical wiring device configured to provide the electrical power to a load...including a receptacle disposed therein...configured to receive the plug device...*” The Examiner will appreciate that Hyde’s receptacle base 100 does not provide power to a load; its function is to provide wiring device 1 with access to power. Thus, Hyde discloses an intermediate element, namely, receptacle base 100. In other words, receptacle base 100 is not a wiring device because it does not provide power to a load. The present invention on the other hand, includes a wiring device that has the receptacle disposed in the back and includes wiring device functionality. Put in another way, the Examiner will appreciate that Hyde requires three elements to provide power to a load: the plug connector, the intermediate receptacle base 100, and a separate wiring device 1. The present invention only requires two elements - the plug connector and the wiring device.

To sum things up, the Examiner does not show where Hyde discloses every element recited in claim 1 because Hyde does not have a plug connector configured to mate into a receptacle disposed in a wiring device. Hyde is not directed to a two element system.

The dependent claims 2 – 32 are allowable by virtue of their dependency from claim 1, but are also allowable in their own right. For example, claims 2 – 3 recite a plug device that includes both male and female contacts. The Examiner argues that plugs 310, 320

disclose these same features. However, please note that these plugs are too large to be accommodated by a wiring device. The plugs of the present invention are novel because they are accommodated by a receptacle disposed in the rear of a wiring device that in turn, provides additional functionality to a user. Applicants also note that Hyde only shows the wiring being terminated by a plug. The present invention is directed to a plug connector that includes a plug at one end, and a termination facility at the other end. For example, claim 21 is directed to a self-locking termination facility. Claim 22 is directed to a plug having a wire-nut termination facility.

Independent claims 33 and 55 are allowable for similar reasons. Independent claim 33 and 55 are directed to a method for installing of a two-element wiring system that includes a wiring device and a plug connector that mates with the wiring device. The wiring device delivers power to a load. The Examiner has not shown where Hyde discloses such methods.

Accordingly, claims 1 – 3, 10, 12, 13, 33, 37, 38, and 55 – 58 are patentable under 35 U.S.C. § 102(b). The Applicants respectfully request that the rejection of claims 1 – 3, 10, 12, 13, 33, 37, 38, and 55 – 58 under 35 U.S.C. § 102(b) be withdrawn.

B. Furrow

The Examiner has rejected claims 53 – 66 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,015,203 to Furrow. As noted above, claims 53 -54 have been withdrawn from prosecution.

Claim 61 is directed to an electrical wiring system that includes an electrical wiring device having a predefined area in which a first plurality of electrical contacts are positioned. The electrical wiring device includes at least one element configured to provide electrical power to a load. A connector device is configured to be positioned in contacting relation with the electrical wiring device, the connector device including a plurality of termination elements configured to terminate a plurality of wires. A second plurality of electrical contacts are disposed in said connector device and electrically coupled to said plurality of termination elements, the second plurality of electrical contacts being configured to be placed in electrical contact with said first plurality of electrical contacts when said connector device is positioned in contacting relation with said electrical wiring device.

Furrow is directed to a junction box assembly that includes a housing having a plurality of identical elongated bus bars. Each of the bus bars has parallel side edges and ears extending alternately from each of the side edges, the ears being staggered from one side edge to the other. The ears constitute receptacles on the bus bar so that spaced apart receptacles are formed which face in opposite directions. The bus bars and the housing have polarizing surfaces which ensure placement of the bus bars in the housing in a predetermined orientation. The housing which houses the bus bars has latching members located on the outer surface thereof, where the latches comprises interlocking tongues and grooves, which provides for cooperation between the two latching arms.

Furrow, like Hyde is directed to a four element system. It does not include a plug that terminates wires in manner recited by claims 55 and 61. Further, the electrical wiring devices depicted in Furrow do not mate with a plug. They are designed to be plugged into a junction box.

Accordingly, claims 55 – 66 are patentable under 35 U.S.C. § 102(b). The Applicants respectfully request that the rejection of claims 55 – 66 under 35 U.S.C. § 102(b) be withdrawn.

5. § 103 Rejections

The Examiner has rejected claims 11, 14 – 20 under 35 U.S.C. § 103 as being unpatentable for obviousness over Hyde.

According to the **MPEP 2143**, three basic criteria must be met to establish a *prima facie* case of obviousness. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

A. The prior art references do not teach or suggest all the claim limitations.

The Examiner admits that Hyde does not teach the subject matter of claims 11, and 14 – 20.

B. There is no suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference.

The Examiner takes official notice that the subject matter of claims 11, and 14 – 20 is well known in the art. Whether a GFCI or a lighting fixture is well known in the art is not the issue. This is not the complete subject matter of these claims. The Examiner must keep in mind that a dependent claim includes all of the subject matter of the independent claims that it depends from.

For example, claim 14 is directed to an electrical wiring system that includes a plug connector device configured to terminate a plurality of wires. The plurality of wires are configured to transmit electrical power provided by an electrical power distribution system. An electrical wiring device is configured to provide electrical power to a load. The electrical wiring device includes an electrical switch. The electrical wiring device includes a receptacle disposed therein. The receptacle is configured to receive the plug device, whereby electrical continuity is established between the electrical wiring device and the plurality of wires when the plug device is inserted into the receptacle.

The applicants respectfully point out to the Examiner the difficulty associated with building a wiring device that has a receptacle disposed on one side of the device, and an electrical switch disposed on the other. Of course, the applicants devised a way to include the electrical switch contacts in such a way that accommodated the receptacle. The Examiner does not provide any suggestion or motivation from any source that directed the applicants to make this modification.

Accordingly, claims 11, and 14 – 20 are patentable under 35 U.S.C. § 103(a). The Applicants respectfully request that the rejection of claims 55 – 66 under 35 U.S.C. § 103(a) be withdrawn.

6. Conclusion

Based upon the amendments, remarks, and papers of record, Applicant believes the pending claims of the above-captioned application are in allowable form and patentable over the prior art of record. Applicant respectfully requests reconsideration of the pending claims 1 – 39 and 55 – 66 and a prompt Notice of Allowance thereon.

Applicant believes that no extension of time is necessary to make this Response timely. Should Applicant be in error, Applicant respectfully requests that the Office grant such time extension pursuant to 37 C.F.R. § 1.136(a) as necessary to make this Response timely, and hereby authorizes the Office to charge any necessary fee or surcharge with respect to said time extension to the deposit account of the undersigned firm of attorneys, Deposit Account 50-1546.

Please direct any questions or comments to Daniel P. Malley at (607) 330-4010.

Respectfully submitted,

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